

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ELIZABETH MARCOTTE

PLAINTIFF

VS.

NO. 4:06CV000658

**UNITED PARCEL SERVICE, INC. and
JOHN DOE MAINTENANCE COMPANY**

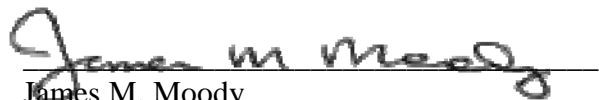
DEFENDANTS

ORDER

Pending is Plaintiff's motion to compel. (Docket # 20). Defendant, United Parcel Service, Inc. (UPS) has responded. Plaintiff requests that the court compel the Defendant to produce the claim file containing the UPS investigation material including photographs and possible information regarding the destruction of evidence for which a motion for sanctions has been filed. Defendant claims to have produced the entire UPS investigative file and states that no documents are being withheld as privileged. Defendant argues that Plaintiff has not requested and is not entitled to the discovery of the Liberty Mutual Insurance Company claim file as it was created as a result of this claim and contains defense strategies, case evaluations and attorney client communications.

The Court finds that the Defendant has produced the entire UPS claim file as requested, however, the discovery request is broad enough to cover the production of the insurance claim file as well. Accordingly, the Defendant is directed to produce the Liberty Mutual Insurance Claim file to the Court *in camera* on or before July 12, 2007. The Court will review the file and determine if any discoverable non-privileged documents are contained therein.

IT IS SO ORDERED this 3rd day of July, 2007.


James M. Moody
United States District Judge